PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application No.:

10/821,229

Filing Date:

April 8, 2004

Applicant:

Tara Ziolo et al

Group Art Unit:

3733

Examiner:

Jerry Cumberledge

Title:

BONE FIXATION DEVICE

Attorney Docket:

5490E-000365

Director of the United States Patent and Trademark Office P.O. Box 1450

Alexandria, VA 22313-1450

SUPPLEMENTAL INFORMATION DISCLOSURE STATEMENT

Sir:

Pursuant to 37 C.F.R. §§ 1.56, 1.97 and 1.98, Applicant hereby submits an Information Disclosure Statement for consideration by the Examiner.

I. LIST OF PATENTS, PUBLICATIONS, AND OTHER INFORMATION

The patents, publications and other information requested to be considered by the Office (except unpublished U.S. patent applications) are listed on Form 1449 attached hereto.

II. COPIES

A. Submitted herewith is a legible copy of (i) each foreign patent; (ii) each publication or that portion which caused it to be listed, other than U.S. patents and U.S. patent application publications unless required by the Office; (iii) each unpublished U.S. application listed below in Section IV (i.e., including the specification, claims, and any drawing of the application, or that portion of the application which caused it to be listed, including any claims directed to that portion), except for such applications filed on or after June 30, 2003, pursuant to the Waiver of the Copy Requirement in 37 C.F.R. 1.98 (OG Notice dated October 19, 2004); and (iv) all other information or that portion which caused it to be listed.

	B. Any patents, p 1449 or on the copies previously cited by or which has been relied	s of PTO-89 submitted t	2, but which o the PTO ir	are not encl n one of the f	losed here following a	ewith, were applications
	U.S. Serial N	<u>umber</u>		U.S. Filing D	<u>)ate</u>	
	C. This is a PCT a States. A copy of the information. The doc on the attached Formany patent resulting from the US, EPO, or have been supplied believed to be in the fi	International uments listed 1449 for common this apport JPO search to the USI	al Search Re ad on the Inter- consideration lication. If the authorities, PTO under	port is attacher ernational Sea by the Examine Internation copies of the the trilateral	ed for the arch reporused and for and for all Search se referer agreeme	Examiner's rt are listed or listing on report was need should not and are
111.	CONCISE EXPLANA	TION OF TH	E RELEVAN	CE (check <u>at</u>	<u>least</u> one	box)
	A. Except as may other information are i	be indicated in the Englis	d below in (B h language (), all of the pacconcise expla	atents, put nation not	olications or required).
	B. A concise explainformation listed that § 1.98(a)(3)):					
	1. See the counterpart for			nt office cor	mmunicati	on from a
	2. ⊠ English t English Abstr					
	3. ⊠ Other: A therefore cum determination	ulative, all	three are pro	ovided for fac	cilitating t	the
	C. The following consideration.	additional	information	is provided	for the	Examiner's

IV.	CROSS REFERENCE TO RELATED APPLICATION(S)							
	A. The Examiner is advised that the following co-pending application(s) contain(s) subject matter that may be related to the present application. By bringing this(these) application(s) to the Examiner's attention, Applicant(s) does (do) not waive the confidentiality provisions of 35 U.S.C. § 122.							
	Serial No.	Filing Date	Inventor(s)					
٧.	THIS IDS IS BEING FILED UNDER							
	A. X 37 C.F.R. § 1.97(b): (check only one box)							
	1. within three months of the filing date of a national application other than a continued prosecution application under § 1.53(d) (37 C.F.R. § 1.97(b)(1)). No fee or certification is required.							
	forth in § 1.491 in	2. within three months of the date of entry of the national stage as set forth in § 1.491 in an international application (37 C.F.R. § 1.97(b)(2)). No fee or certification is required.						
	1.97(b)(3)). No office Action on under 37 C.F.R. 1.97(e) below; or	3. before the mailing of a first Office Action on the merits (37 C.F.R. § 1.97(b)(3)). No fee or certification is required. In the event that a first Office Action on the merits has been issued, please consider this IDS under 37 C.F.R. § 1.97(c) and see the certification under 37 C.F.R. § 1.97(e) below; or, if no certification has been made, charge our deposition account a fee in the amount of \$180.00 as required by 37 C.F.R. § 1.17(p.						
	4. before the mailing of a first Office Action after the filing of request for continued examination under 37 C.F.R. § 1.114. No fee contification is required.							
	В. <u>37 С.</u> F.R. § 1.97(с	c): (check <u>only</u> one bo	«)					
	before the mailing 1.113, a Notice of otherwise closes	of Allowance under 37	nal Office Action under 37 C.F.R. § 7 C.F.R. § 1.311, or an action that					
	1. ☐ No certifica by 37 C.F.R. § 1.		n the amount of \$180.00 is required					
	2. See the cer	tification below. No fe	e is required.					

	C. 37 C.F.R. § 1.97(d):
	after the mailing date of either a Final Office Action under 37 C.F.R. § 1.113 or a Notice of Allowance under 37 C.F.R. § 1.311, yet on or before payment of the issue fee.
	1. See the certification below. A fee in the amount of \$180.00 is required by 37 C.F.R. § 1.17(p).
/1.	CERTIFICATION UNDER 37 C.F.R. § 1.97(e): (check only one box)
	The undersigned hereby certifies that:
	A. each item of information contained in this IDS was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(1)). See further statement under 37 C.F.R. 1.704(d) below in section VII if applicable; or
	B no item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS (See 37 C.F.R. § 1.97(e)(2)).
	C. some of the items of information were first cited in a communication from a foreign patent office. As to this information, the undersigned hereby certifies that each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS. As to the remaining information, the undersigned hereby certifies that no item of this remaining information contained in this IDS was cited in a communication from a foreign patent office in a counterpart foreign application, and, to the knowledge of the undersigned after making reasonable inquiry, no item of information contained in this IDS was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing of this IDS.
√II.	STATEMENT UNDER 37 C.F.R. 1.704(d)
	The undersigned hereby states that:
	each item of information contained in this IDS was cited in a communication from a foreign patent office in a counterpart application and this communication was not received by any individual designated in 37 C.F.R. § 1.56(c) more than thirty days prior to the filing of this IDS

VIII. PAYMENT OF FEES (check only one box, if applicable)

- A. A check in the amount of \$180.00 is enclosed for the above-identified fee.
- B. Please charge Deposit Account No. 08-0750 in the amount of \$180.00 for the above-identified fee. A duplicate copy of this paper is attached.

Please charge any additional fees or credit any overpayment pursuant to 37 C.F.R. § 1.16 or § 1.17 to Deposit Account No. 08-0750.

The above references are being cited only in the interest of candor and without any admission that they constitute statutory prior art, contain matter which anticipates the invention, or which would render the same obvious, either singly or in combination, to a person of ordinary skill in the art. Furthermore, this Information Disclosure Statement shall not be construed as a representation that a search has been made.

If it is determined that this IDS has been filed under the wrong rule, the PTO is requested to consider this IDS under the proper rule (with a petition if necessary) and charge the appropriate fee to Deposit Account No. 08-0750.

Respectfully submitted,

Dated: November 5, 2007

Ву:

Maria Comninou Reg. No. 44,626 Stephen T. Olson

Reg. No. 36,626

Harness, Dickey & Pierce, P.L.C. P.O. Box 828 Bloomfield Hills, Michigan 48303 (248) 641-1600

STO/MC/sms